

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CLARENCE A. MITCHELL,

Defendant.

Criminal Action No. 08- 23

INDICTMENT

REDACTED

The Grand Jury for the District of Delaware charges that:

COUNT ONE

On or about December 27, 2007, in the State and District of Delaware, Clarence A. Mitchell, defendant herein, did knowingly possess in and affecting interstate and foreign commerce, a firearm, that is, a Sig Sauer P-229, .357 caliber pistol, serial number AE15640, after having been convicted on or about November 19, 1991, of a crime punishable by imprisonment for a term exceeding one year, in the Superior Court of the State of Delaware, in violation of Title 18, United States Code, Sections 922(g)(1) & 924(a)(2).

COUNT TWO

On or about December 27, 2007, in the State and District of Delaware, Clarence A. Mitchell, defendant herein, did knowingly possess with the intent to distribute a mixture and substance containing a detectible amount of cocaine, a Schedule II narcotic controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT THREE

On or about December 27, 2007, in the State and District of Delaware, Clarence A. Mitchell, defendant herein, in furtherance of a drug trafficking crime, to wit, possession with intent to

distribute a mixture and substance containing a detectible amount of cocaine, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C), as alleged in Count Two of the Indictment, incorporated by reference herein, did knowingly possess a firearm, to wit, a Sig Sauer P-229, .357 caliber pistol, serial number AE15640, all in violation of Title 18, United States Code, Sections 924(c)(1)(A) & (c)(2)).

NOTICE OF FORFEITURE

Upon conviction of one or more of the offenses alleged in Counts One, Two and Three of this Indictment, defendant Clarence A. Mitchell shall forfeit to the United States pursuant to 18 U.S.C. § 924(d), 21 U.S.C. § 853 and 28 U.S.C. § 2461(c), any property, real and personal, that constitutes or is derived from or is traceable to proceeds obtained directly or indirectly from the commission of the above offense(s); all property, real or personal, that was used to facilitate, or was intended to be used to facilitate the commission of the offense(s); and, all firearms and ammunition involved in the commission of the offense(s), including but not limited to the following:

a Sig Sauer P-229, .357 caliber pistol, serial number AE15640, and any ammunition contained therein;

\$6,405 in cash;

a 2001 Jeep Cherokee, bearing Delaware registration PC 480919

2001 BMW 321, bearing Delaware registration 798932


1995 Buick Park Avenue, bearing Delaware registration 119468

If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

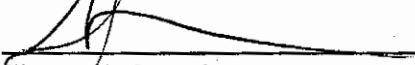
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 924(d) and 21 U.S.C. § 853(p) as incorporated by 28 U.S.C. § 2461(c), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above.

A TRUE BILL:


COLM E. CONNOLLY
United States Attorney

BY:


Shawn A. Weede
Assistant United States Attorney

Dated: February 5, 2008